

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORDIS CORPORATION,

Plaintiff,

v.

BOSTON SCIENTIFIC CORPORATION,
and SCIMED LIFE SYSTEMS, INC.,

Defendants.

Case No. 97-550-SLR
(Consolidated)

NOTICE OF SUBPOENA OF MARVIN WOODALL

TO:

BY ELECTRONIC FILING

Steven J. Balick, Esquire
Ashby & Geddes
222 Delaware Avenue, 17th Floor
Wilmington, DE 19801

Karen Jacobs Loudon, Esquire
Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
Wilmington, DE 19801

BY FASCIMILE AND FED EX

Michael J. Timmons, Esquire
Patterson, Belknap, Webb & Tyler
1133 Avenue of the Americas
20th Floor
New York, NY 10036

D. Michael Underhill, Esquire
McDermott, Will & Emery
600 13th Street, N.W.
Washington, D.C. 20005

PLEASE TAKE NOTICE THAT, pursuant to Fed. R. Civ. P. 45, Defendants Boston Scientific Corporation and Boston Scientific Scimed, Inc., by its counsel, have served or will serve the attached subpoena for appearance at trial on Marvin Woodall, a nonparty to this action.

A copy of the subpoena is attached.

Dated: March 7, 2005

By:



Josy W. Ingersoll (I.D. #1088)

Karen E. Keller (I.D. #4489)

YOUNG CONAWAY STARGATT &

TAYLOR, LLP

The Brandywine Building

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Of Counsel:

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*Attorneys for Defendants Boston Scientific Corp.,
and Boston Scientific Scimed, Inc.*

AO 88 (Rev. 11/91) Subpoena in a Civil Case

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CORDIS CORPORATION,

Plaintiff

v.

MEDTRONIC VASCULAR, INC.,
BOSTON SCIENTIFIC CORPORATION,
And SCIMED LIFE SYSTEMS, INC.,

Defendants

SUBPOENA IN A CIVIL CASE

CASE No. 97-550-SLR

(Consolidated)

Pending in the U.S. District Court for
the District of Delaware

Hon. Sue L. Robinson

TO: Marvin L. Woodall
775 Pebble Hill Rd.
Doylestown, PA 18901

☒ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801

COURTROOM

6B

DATE AND TIME

March 22, 2005 9:30 AM

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case, which will be recorded in stenographic, audio and/or audiovisual formats.

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to produce and permit inspection and copying of the documents or objects specified in "Schedule A" hereto at the place, date, and time below.

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

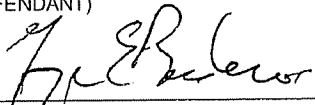
PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE



Attorney for Defendant,
Boston Scientific Corporation and
Boston Scientific Scimed, Inc.

3/4/05

ISSUING OFFICER'S NAME ADDRESS AND PHONE NUMBER

George E. Badenoch, Esq.

(212) 425-7200

KENYON & KENYON

1 Broadway

New York, NY 10004-1050

AO 88 (Rev. 11/91) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE	
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d):**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2005, I electronically filed the Notice of Subpoena of Woodall with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

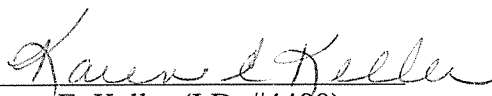
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Morris, Nichols, Arsht & Tunnell
1201 N. Market Street
Wilmington, DE 19801

I hereby certify that on March 7, 2005, I have sent by Federal Express and fascimile, the document to the following non-registered participants:

Michael J. Timmons, Esquire
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20th Floor
New York, NY 10036

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D. Michael Underhill, Esquire
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